

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF TEXAS**  
**HOUSTON DIVISION**

NATIONAL COALITION FOR MEN;  
ANTHONY DAVIS; AND JAMES  
LESMEISTER, Individually and on behalf of  
others similarly situated,

PLAINTIFFS,

v.

SELECTIVE SERVICE SYSTEM;  
LAWRENCE G. ROMO, as Director of  
SELECTIVE SERVICE SYSTEM; and  
DOES 1 through 50, Inclusive,

DEFENDANTS.

Civil Action No. 4:16-cv-03362

Honorable Gray H. Miller

**PLAINTIFFS' SEPARATE  
STATEMENT OF UNDISPUTED  
MATERIAL FACTS IN SUPPORT OF  
THEIR MOTION FOR SUMMARY  
JUDGMENT**

Plaintiffs hereby respectfully submit the following Separate Statement of  
Undisputed Material Facts in Support of Their Motion for Summary Judgment:

Undisputed Facts

Evidence

James Lesmeister is a male  United States citizen, born on January  12, 1995, and is currently 23 years old.	Leismeister Decl., ¶ 1.
Lesmeister is a resident of  Pearland, Texas.	Leismeister Decl., ¶ 2.

Leismeister is registered for the military draft as is required of him as a male. System.	
Lesmeister is not a member of the military or a student at military academies or otherwise exempt from the draft. (Leismeister Decl., ¶ 5.) Lesmeister meets all qualifications for registration in the Selective Service	Leismeister Decl., ¶ 3.
Davis is a male United States citizen, born on December 4, 1997, and is currently 20 years old.	Davis Decl., ¶ 1.
Davis is a resident of San Diego, California.	Davis Decl., ¶ 2.
Davis has registered for the military draft as is required of him as a male.	Davis Decl., ¶ 3.
Davis is not a member of the military or a student at military	Davis Decl., ¶ 5.

academies or otherwise exempt from the draft.	
NCFM is a non-profit, 501(c)(3) educational and civil rights corporation organized under the laws of the State of California and of the United States.	NCFM Decl., ¶ 1.
NCFM was established in 1976 to examine how sex discrimination adversely affects males in military conscription, child custody laws, parenting rights, domestic violence services, family law, paternity laws, criminal sentencing, public benefits, education, occupations that are not traditionally male (nursing, school teachers, etc.), and other areas.	NCFM Decl., ¶ 4.
NCFM has members who are males ages 18-25, are harmed by or subject to the sex-discrimination of the Selective Service, are United States	NCFM Decl., ¶ 5.

<p>citizens, are not members of the military or students at military academies or otherwise exempt from the draft, and who meet all other qualifications for registration in the Selective Service System.</p>	
<p>The MSSA requires all male United States citizens and male immigrant non-citizens between the ages of 18 and 26 to register with the MSSS within 30 days of their 18th birthdays. 50 U.S.C. § 453(a). After they register, men must notify the SSS within 10 days of any changes to any of the information provided on the registration card, including a change of address, until January 1 of the year they turn 21 years of age. Failure to comply with the MSSA can subject a man to five years in prison, a \$10,000 fine, and denial of federal employment or student aid.</p>	<p>50 U.S.C. § 462(a).</p>

None of these requirements apply to women.	
In February 2012, the military opened over 14,000 positions previously closed to women, and combat positions continued to open.	Exhibit 1, p. 1.
Throughout 2012, combat roles continued opening for women, and by January 2013, thousands of women have served alongside men in combat roles in Iraq and Afghanistan.	Exhibit 1.
On January 12, 2013 Secretary of Defense Leon E. Panetta and Chairman of the Joint Chiefs of Staff Martin E. Dempsey issued a Memorandum officially rescinding the ban on women in combat (hereinafter, “2013 Memorandum”).	Exhibit 1.
The 2013 Memorandum directed	Exhibit 1.

<p>that integration of women into combat positions be completed “as expeditiously as possible,” no later than January 1, 2016, and gave the military departments until May 15, 2013 to submit a detailed plan for the implementation of the directive.</p>	
<p>On December 34, 2015, the United States Department of Defense wrote a letter to Congress stating that it “intends to assign women to previously closed positions and unit across all Services and U.S. Special Operations Command.”</p>	Exhibit 2.
<p>The Selective Service’s website describes this letter as follows: “LATEST UPDATE: Defense Secretary Ash Carter announced on December 3, 2015, the Department of Defense will lift all gender-based restrictions on</p>	Exhibit 3.

military service starting January 2016.”	
On March 17, 2017, the Department of Defense issued a 37-page report titled “Report on the Purpose and Utility of a Registration System for Military Selective Service” that supports requiring women to register for the MSSA (hereafter “Pentagon Report”).	Exhibit 4.
The Pentagon Report states that on December 3, 2015, Secretary of Defense Ashton Carter opened “all military occupational specialties to women and removed all final restrictions on the service of women in combat,” and that “qualified women were eligible to participate in all career fields, in all duty positions, at all echelons of the Armed Forces.”	Exhibit 4, p. 15.

<p>The Pentagon Report states that in December 2015, the Department of Defense advised Congress that the impending change “further alters the factual backdrop” underpinning <i>Rostker</i>.</p>	
<p>The Pentagon Report describes the <i>injustice to male citizens</i> of being required to register and face stiff penalties when women do not. The report concludes that continuing to require only men to register for the MSSA would constrain success by restricting the database of professions, skills, academic degrees, and licenses, useful even for a voluntary recruitment system, and that this would “prove an unfortunate omission.”</p>	Exhibit 4, p. 37.
<p>Defendants admit that their own website states: “The U.S. came close to</p>	Exhibit 3; Exhibit 5, and Exhibit 6.



drafting women during World War II, when there was a shortage of military nurses. However, there was a surge of volunteerism and a draft of women nurses was not needed.”	
The Pentagon Report indicates the draft does not have to be for purposes of combat.”	Exhibit 4, p. 16.
Defendants admit that their own website reads: “The U.S. came close to drafting women during World War II, when there was a shortage of military nurses. However, there was a surge of volunteerism and a draft of women nurses was not needed.	Exhibits 5 and 6.
Even the Pentagon Report indicates the draft does not have to be for purposes of combat.”	Exhibit 4, p. 16.

